

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

WASEEM DAKER,

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Plaintiff,

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v.

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CV 615-49

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UNITED STATES OF AMERICA;
BRIAN CHRISTOPHER JOHNSON;
and BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES,

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Defendant.

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O R D E R

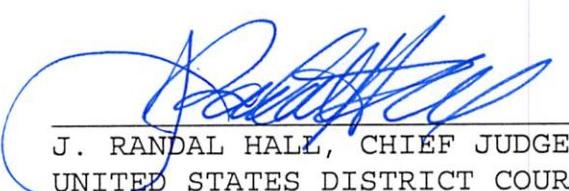
On May 26, 2017, the Magistrate Judge assigned to this case denied Plaintiff's motion to proceed *in forma pauperis* and recommended that the Court dismiss this case. (Doc. 19.) The Court adopted the Report and Recommendation on November 14, 2017. Plaintiff now moves to vacate the Court's adoption Order and stay these proceedings pending his appeal in Daker v. Head, et al., No. 14-13257 (11th Cir. Jul. 21, 2014), and Daker v. Comm'r Ga. Dept. of Corr., et al., No. 13-13398 (11th Cir. Apr. 4, 2014). (Docs. 25, 26, 31.) Because Plaintiff does not satisfy the criteria for relief under Federal Rule Civil Procedure 59(e), his motions are DENIED.

Relief under Rule 59(e) is only appropriate when the moving party shows: (1) there has been a change in law; (2) new

evidence is available; or (3) reconsideration is necessary to correct a clear error or to prevent manifest injustice. McCoy v. Macon Water Auth., 966 F. Supp. 1209, 1223 (M.D. Ga. 1997) Plaintiff's arguments are the same as those considered and rejected by the Court when it adopted the Magistrate Judge's Report and Recommendation. (Doc. 23.) Rule 59(e) is not a vehicle for the moving party to relitigate an issue the Court has already decided. Jones v. Southern Pan Servs., 450 F. App'x 860, 863 (11th Cir. 2012). Accordingly, Plaintiff has failed to establish that he is entitled to relief under Rule 59(e).

Upon due consideration, Plaintiff's motions to vacate the Court's adoption order and stay these proceedings (docs. 25, 26, 31) are DENIED.

ORDER ENTERED at Augusta, Georgia this 21st day of March, 2018.


J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA